

Nicaragua

RIGHTS OF NEUTRALS AT SEA

Declaration of accession signed and exchanged at Granada, June 9, 1855, relating to stipulations contained in convention signed for the United States and Russia July 22, 1854
Entered into force June 9, 1855

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DECLARATION MADE BETWEEN THE UNITED STATES OF AMERICA AND THE
REPUBLIC OF NICARAGUA, MADE AND EXCHANGED AT GRANADA ON THE
9TH OF JUNE, 1855

Whereas a Convention was concluded at the City of Washington on the 22d day of July 1854 ¹ between the United States of America and His Majesty the Emperor of all the Russias; by the Plenipotentiaries of the High Contracting Parties; declaring the rules hereafter to be observed with respect to the Ships and property of the citizens of one party while the other may be involved in a war with a third Power;

And whereas the High Contracting Parties desirous of securing the concurrence of all other nations in the approval and observance of the said rules, have agreed to extend all the benefits and privileges which shall result from the said Convention to such Nation as shall consent to accede by a formal declaration to the stipulations therein Contained;

And whereas the Government of Nicaragua has signified to the Government of the United States of America its desire to become a Party to said Convention, and all the stipulations and provisions therein contained, as far as the same are or may be applicable to it;

And whereas the Government of Nicaragua in its anxiety to avoid the possibility of a misconception hereafter of the nature and extent of the obligations which it thus assumes, wishes them fully and distinctly expressed herein; they are accordingly inserted word for word as follows;

¹ TS 300, *post*, vol. 11, U.S.S.R.

ARTICLE 1ST

The two high Contracting Powers recognize as permanent and immutual [immutable] the following principles; to wit;

1st. That Free Ships make Free Goods—that is to say, that the effects, or goods belonging to subjects or citizens of a Power or State at War, are free from Capture and confiscation when found on board of neutral vessels; with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel, is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce, and navigation of all such Powers, and States as shall consent to adopt them on their part as permanent and immutable.

ARTICLE 2D

The two high contracting parties reserve themselves to an ulterior understanding as circumstances may require, with the regard to the application and extension to be given; if there be any Cause for it; to the principles laid down in the first article. But they declare from this time, that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question to judge of the rights of neutrality.

Now therefore the Undersigned John H. Wheeler on the part of the United States and Sebastian Escobar and Agustin Aviles on the part of Nicaragua invested with full power to this effect found in good and due form, have this day signed in duplicate and have exchanged this Declaration.

Done at the City of Granada, on the 9th day of June in the year of our Lord One Thousand Eight Hundred and Fifty Five.

JNO. H. WHEELER [SEAL]
SEBASTⁿ ESCOBAR
AGⁿ AVILES